

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**SCIENTIFIC-ATLANTA, INC. and  
MOTOROLA, INC.**

**Plaintiffs,**

**v.**

**FORGENT NETWORKS, INC.**

**Defendant**

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**Civil Action No. 6-05CV-343 LED**

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**DECLARATION OF BRIAN K. ERICKSON IN SUPPORT OF SCIENTIFIC-  
ATLANTA, INC. AND MOTOROLA, INC.'S RESPONSE AND OPPOSITION TO  
THE MOTION TO TRANSFER/CONSOLIDATE OF DEFENDANT FORGENT  
NETWORKS, INC.**

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I, Brian K. Erickson, declare as follows:

1. I am an attorney with the law firm of Dewey Ballantine LLP, counsel of record for Plaintiff Motorola, Inc. in the above-entitled action. I am duly licensed in the State of Texas and admitted before this Court. I make this declaration based on my personal knowledge, the record in this action, and matters of public record, and if called upon as a witness, I could and would testify competently as to the matters set forth below.

2. A true and correct copy of the Keycite of *Diamond-Chase Co. v. Stretch Devices Inc.*, 16 U.S.P.Q.2d 1568 (C.D. Cal. 1990) is attached hereto as Exhibit 1.

I declare under penalty of perjury under the laws of the State of Texas that the foregoing is true and correct, and that this declaration was executed on October 26, 2005, at Austin, Texas.

  
Brian K. Erickson

# **Exhibit 1**

Westlaw.

Date of Printing: OCT 26,2005

## KEYCITE

**H**Diamond-Chase Co. v. Stretch Devices Inc., 1990 WL 10072475, 16 U.S.P.Q.2d 1568 (C.D.Cal., May 29, 1990) (NO. CV 90-1808 DT (TX))

## Citing References

## Secondary Sources (U.S.A.)

- 1 Patent Law Fundamentals s 20:75, s 20:75. Venue (2005) (
- )
- 2 THE DEFENSE OF PRIVATE AND GOVERNMENTAL UNFAIR COMPETITION LAW CLAIMS, 1362 PLI/Corp 257, 274+ (2003)
- 3 THE DEFENSE OF PRIVATE AND GOVERNMENTAL UNFAIR COMPETITION LAW CLAIMS, 711 PLI/Lit 113, 141+ (2004)
- 4 THE DEFENSE OF PRIVATE AND GOVERNMENTAL UNFAIR COMPETITION LAW CLAIMS, 694 PLI/Lit 261, 278+ (2003)
- 5 THE DEFENSE OF GOVERNMENTAL AND PRIVATE UNFAIR COMPETITION LAW CLAIMS, 678 PLI/Lit 119, 317 (2002)

## Court Documents

## Trial Court Documents (U.S.A.)

## Trial Motions, Memoranda and Affidavits

- 6 GLENAYRE ELECTRONICS, INC., a Colorado corporation, Plaintiff, v. Philip JACKSON, an individual, Defendant., 2002 WL 32452517, \*32452517 (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Feb 04, 2002) **Jackson's Motion to Dismiss or Stay** (NO. 02C0256)★ ★
- 7 SONOCO DEVELOPMENT, INC., Plaintiff, v. ADVANCE POLYBAG, INC., Defendant., 2003 WL 23876551, \*23876551 (Trial Motion, Memorandum and Affidavit) (D.S.C. Nov 18, 2003) **Plaintiff's Memorandum of Law in Opposition to ...** (NO. C/A403-720-25)★
- 8 VISHAY DALE ELECTRONICS, INC., Plaintiff, v. KOA CORPORATION, Koa Speer Electronics, Inc. and Tti, Inc. Defendants., 2004 WL 2232330, \*2232330+ (Trial Motion, Memorandum and Affidavit) (N.D.Tex. Jul 19, 2004) **Memorandum in Support of Plaintiff's Motion to ...** (NO. 4-04-CV-247-A)★ ★